THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 26940 of 1995

Dated: 21.11.2006

Between:

B. Bala Raju

… Petitioner

AND

Andhra Pradesh Agricultural University
& others.

… Respondents

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 26940 of 1995

ORDER:-

This writ petition is filed for the following reliefs:

> "a. To issue an order or direction, more in the nature of writ of Mandamus, directing the respondents 1 and 2 to place the petitioner's name between Sl.Nos. 2 and 3 instead of Sl.No.35 in the seniority list issued in Memo No.A1/NT/1823/95-1, dated 17.10.1995 issued by the 2nd respondent and consequently direct to appoint the petitioner herein as Record Assistant in one of the vacancies held by the respondents 3 and 4, by duly declaring the promotions ordered to the respondents 3 and 4 in proceedings No.A1/NT/1823/95-1, dated 17.10.1995 issued by the 2nd respondent, as wholly, arbitrary, highly illegal, unjust and unconstitutional;
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> b. To direct the respondents 1 and 2, to consider the case of the petitioner for promotion to the post of Record Assistant or any of the Class-IV Services in the existing or future vacancies by duly counting his service as Casual Labour from 18.03.1986 for the said purpose, pending the disposal of the above writ petition."

The respondents filed a counter-affidavit through Dr.Shiva Raj wherein it is mentioned that by mistake, respondents 3 and 4 were temporarily appointed instead of appointing the petitioner, who is senior to them. The said mistake was rectified and the petitioner is entitled to be appointed as Record Assistant after taking interview. It is

now stated across the bar by the learned counsel for the petitioner that in the year 2000, the petitioner was appointed as Record Assistant. In view of the same, the cause in the writ petition, as it was conceived, does not survive.

However, Sri Suryakaran Reddy, learned counsel for the petitioner contends that though the petitioner was appointed as Record Assistant in the year 2000, he is not given the benefit of at least notional service of the anterior period for the purpose of pension and increments.

As these aspects give rise to a fresh cause of action to the petitioner, they cannot be gone into in the present writ petition, since the relief sought for in the present writ petition is already conceded by the respondents.

In view of the aforementioned circumstances, nothing survives in the present writ petition and therefore the same is closed. No costs.

The petitioner is given liberty to avail any remedy open to him in law for claiming the benefit of notional service as is sought to be raised by the learned counsel for the petitioner during the course of hearing.

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C.V. NAGARJUNA REDDY, J

Date: 21.11.2006
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